



# TOP TEN OXYMORONS

10. JUMBO SHRIMP
9. MILITARY INTELLIGENCE
8. RUSH HOUR
7. INDUSTRIAL PARK
6. TEMPORARY TAX INCREASE
5. AIRLINE FOOD
4. PEACE FORCE
3. UNBIASED OPINION
2. RAP MUSIC

...AND TODAY'S  
NUMBER ONE  
OXYMORON IS:

*© 1992*  
**TREVER** *ALBUQUERQUE JOURNAL*





# Prescribed Burning and the Law





**How we got here today.**



# Objectives

- Understand the applicable Laws, Rules and Procedures that pertain to prescribed burning in Virginia.



Setting a Fire is  
Considered Inherently  
Dangerous







Anyone wishing to accomplish prescribed burning in Virginia MUST know the law and what the “accepted forestry or burn standards” are, and be certain they are applied and followed.



# Rules / Procedures

Are Developed by the Department or Agency.



# Laws in Virginia





# Laws

## Forestry

- Laws - Developed by the Legislature
  - 10.1-1100 through 10.1-1181.7  
Covers all Forestry related laws.
  - 18.2-81 through 18.2-88 relate to intentionally set fires.
  - **10.1 - 1150 - Certified Prescribed Burning Manager Program.**






The  
Fire  
Laws

A large, intense fire is burning in a wooded area. Thick, dark smoke rises from the flames, filling the upper portion of the image. The fire is bright orange and yellow, with several tall, thin, black branches or logs standing upright in the foreground, some of which are partially engulfed in the flames. The background shows more trees and foliage, some of which are also on fire.

# The Certification Program

**10.1-1150.1 through 10.1-1150.6**



A photograph of a large fire burning in a forest. Thick, dark smoke rises from the fire, filling the upper half of the frame. The fire itself is visible as bright orange and red flames among the trees. In the foreground, there are many green pine trees. At the bottom of the image, the word "DEFINITIONS" is written in white capital letters.

10.1-1150.1

DEFINITIONS



10.1-1150.2

A photograph of two brown bears in a stream. The bear in the foreground is standing in the water, looking towards the camera. The bear in the background is standing on the grassy bank, looking away. The water is dark and reflects the bears. The surrounding vegetation is lush green.

CERTIFICATION PROCESS



10.1-1150.3

3 Day Option

1 Day Option

State Forester Approved Training

**VOLUNTARY  
CERTIFICATION**







10.1-1150.4

# **PRESCRIBED BURN ELEMENTS**



Prescribed burning shall be performed in the following manner:

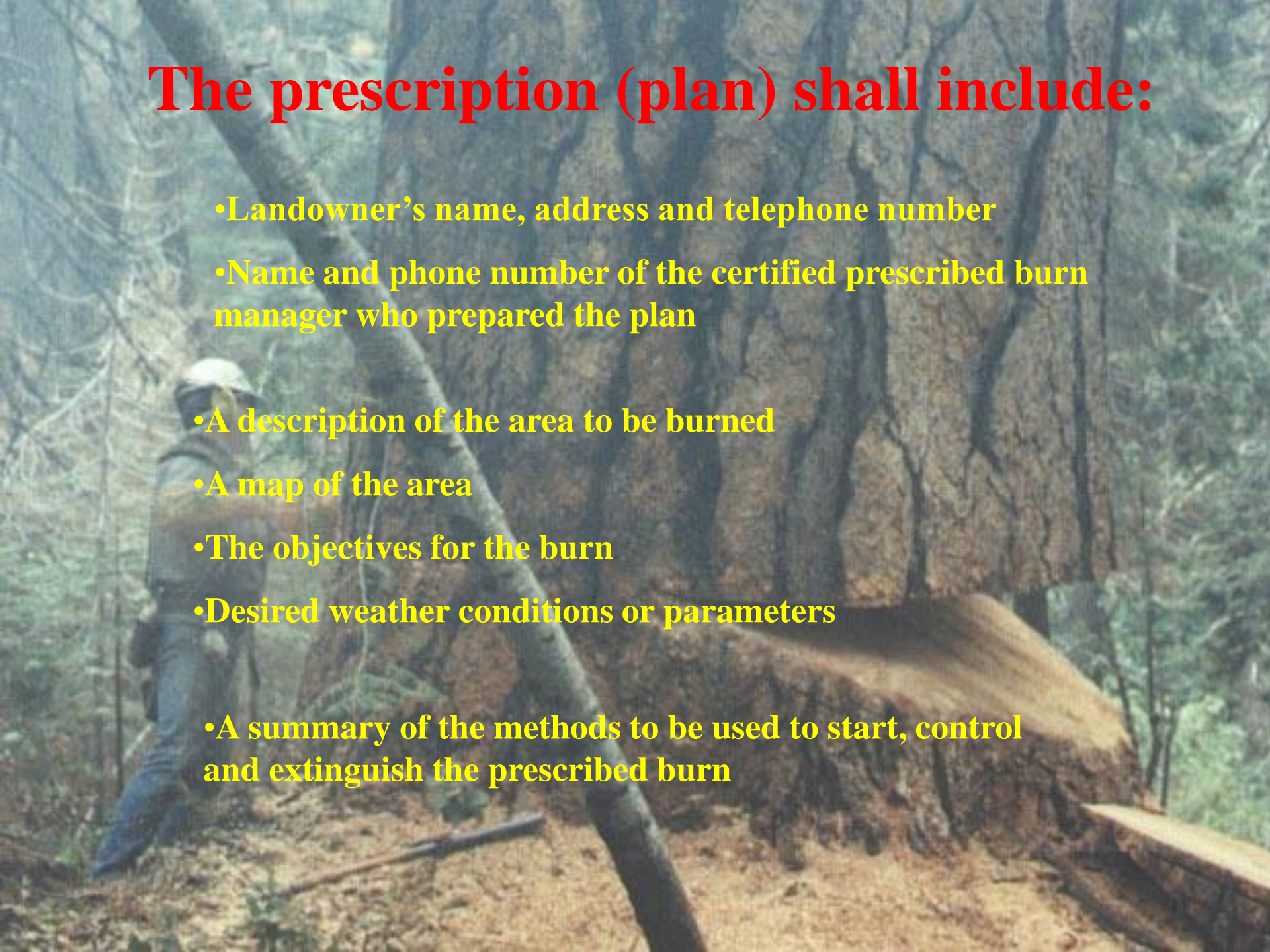


A Prescription will be prepared PRIOR to the burn by a certified prescribed burn manager.



# **The prescription (plan) shall include:**

- Landowner's name, address and telephone number
- Name and phone number of the certified prescribed burn manager who prepared the plan
- A description of the area to be burned
- A map of the area
- The objectives for the burn
- Desired weather conditions or parameters
- A summary of the methods to be used to start, control and extinguish the prescribed burn







## Other requirements under section 10.1-1150.4

A smoke management plan will be developed.

The prescription and smoke management plan will be on site throughout the burn.

Prescribed burning shall be conducted under the DIRECT supervision of a certified prescribed burn manager.

The nearest Regional office of the Department of Forestry shall be notified.



# Exemptions

- The 4:00 p.m. Law § 10.1-1142 B shall not apply if:
- The fire is set for "prescribed burning" that is conducted in accordance with a "prescription" and managed by a "certified prescribed burn manager" as those terms are defined in § 10.1-1150.1;
- The burn is conducted in accordance with § 10.1-1150.4;
- The State Forester has approved the application for the prescribed burn; and

- **The burn is being conducted for one of the following purposes:**

1. control of exotic and invasive plant species that cannot be accomplished at other times of the year;
2. wildlife habitat establishment and maintenance that cannot be accomplished at other times of the year; or
3. management necessary for natural heritage resources.

- Call the nearest VDOF Regional Office on the morning of the planned burn.
- The State Forester may on the day of any burn planned to be conducted pursuant to this subsection revoke his approval of the prescription for the burn if hazardous fire conditions exist.
- The State Forester may revoke the certification of any certified prescribed burn manager who violates any provision of this subsection.

Form 180¶  
01/05/2009¶

VIRGINIA·DEPARTMENT·OF·FORESTRY¶  
APPLICATION·FOR·EXEMPTION·TO·THE·4PM·  
BURNING·LAW·§10.1-1142B¶

¶

¶

⊕ ¶

Applicant Name:¶ ○○○○¶

Organization:¶ ○○○○¶

Mailing Address:¶ ○○○○¶

¶ ○○○○¶

Phone Number:¶ ○○○○¶

Fax Number:¶ ○○○○¶

E-mail Address:¶ ○○○○¶

County of Proposed Burn:¶ ○○○○¶

Purpose of Proposed Burn (please be brief but specific as to the target species and type of burn):¶

¶ ○○○○¶

¶ ○○○○¶

¶ ○○○○¶

Reason for Exemption Request (briefly explain why the burn needs to be accomplished during exemption period):¶

¶ ○○○○¶

¶ ○○○○¶

¶ ○○○○¶

Virginia Certified Prescribed Burn Manager Name:¶ ○○○○¶

Cert. Number:¶ ○○○○¶



--Applicant must attach a copy of the Burn Plan to include the Smoke Management Plan and Location Map. The Burn Plan must be specific for the area to be burned under this application. This application will be reviewed and evaluated for approval. A copy of the processed application will be returned via US mail or fax.¶

--If approved, this exemption is only good for the Certified Prescribed Burn Manager identified on this application and is only valid through the last day of April following the date the exemption is approved. On the day of the prescribed burn, I agree to call the Regional Office of the Virginia Department of Forestry prior to the start of the burn.¶

--I agree to the conditions under which this application is approved and agree that no alteration will be made to the proposed plan once approved for exemption. I understand that I am responsible for the burn, liable to laws pertaining to escaped fires and all parts of §10.1-1105 of the Code of Virginia.¶

<input type="text"/>	¶	<input type="text"/>	¶	<input type="text"/>
APPLICANT NAME (print)¶	¶	APPLICANT SIGNATURE¶	¶	DATE¶

Attach a copy of the Burn Plan including Smoke Management Plan and Location Map.¶

Send application to: State Forester, Virginia Department of Forestry, 900 Natural Resources Drive, Suite 800, Charlottesville, Virginia 22903¶

### Department of Forestry Use Only – Application Review and Evaluation¶


Date Application Received:¶	<input type="text"/>	Attached:	<input type="checkbox"/> Burn Plan¶	<input type="checkbox"/> Smoke Management Plan¶	<input type="checkbox"/> Location Map¶
<input type="checkbox"/> Approved ¶	Exemption No.:¶	<input type="text"/>	¶ <input type="checkbox"/> Check Here if You Provided Attachments Electronically¶		
<input type="checkbox"/> Denied¶	Comments:¶	<input type="text"/>			
Reviewed By:¶	<input type="text"/>	¶	¶	¶	¶
	NAME (print)¶	¶	SIGNATURE¶	¶	DATE¶

# Liability

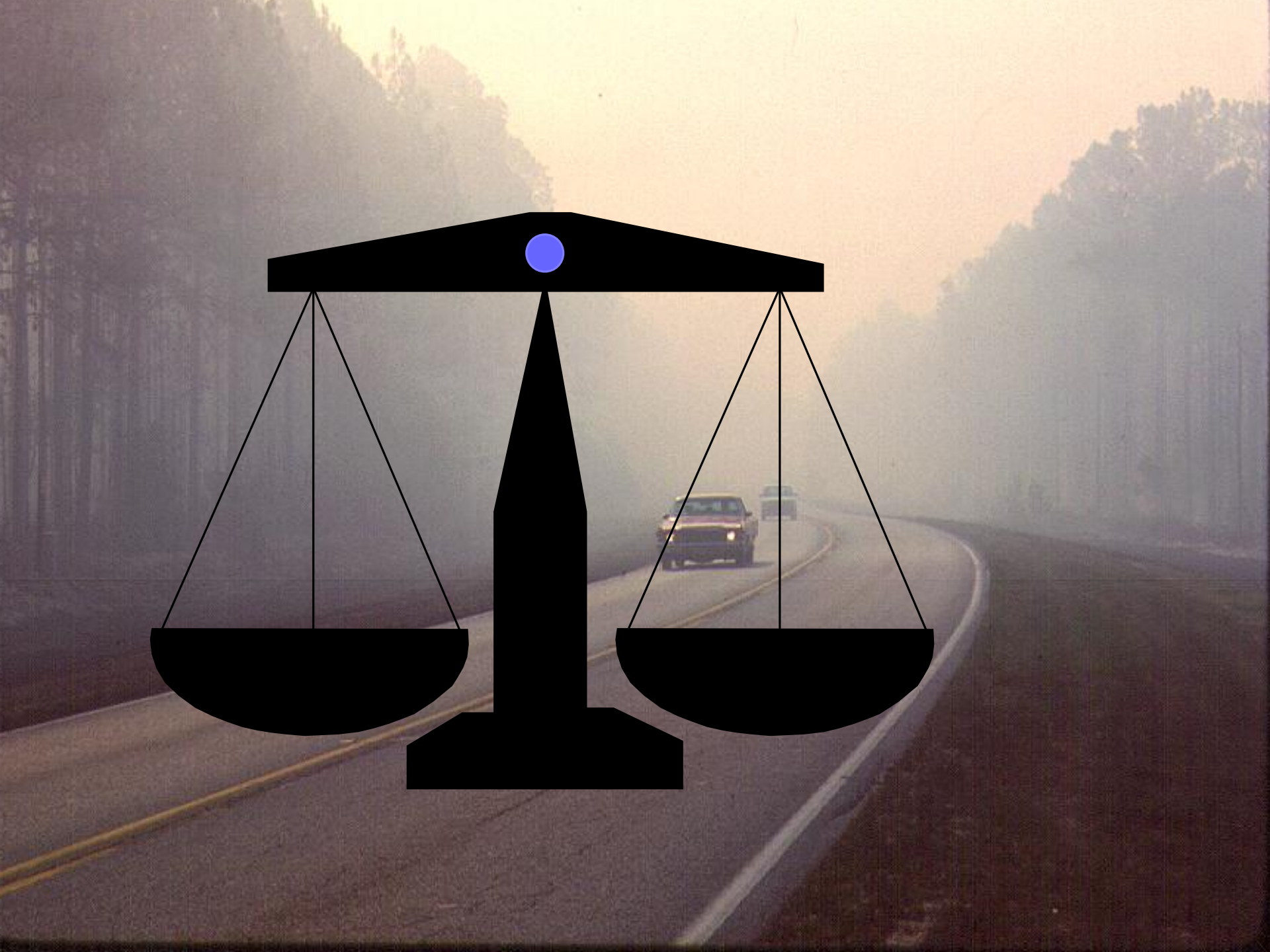


10.1-1150.5



A firefighter with a beard and sunglasses, wearing a yellow jacket and a black helmet, is smiling and holding a tool. He is standing in front of a large, intense fire that fills the background. The fire is bright orange and yellow, with thick smoke rising from it. The firefighter is wearing a yellow jacket with black straps and a black helmet with a silver stripe. He is holding a silver tool, possibly a pike pole, in his right hand. The background is a large fire with bright orange and yellow flames and thick black smoke rising from it. The firefighter is smiling and looking towards the camera.

This Liability is NOT something that can be delegated to an independent contractor actually accomplishing the burning.





The Property Owner and their Agent are Considered Liable  
for Damages.







Monitoring and Enforcing Air Quality in Virginia is the  
Responsibility of the DEQ

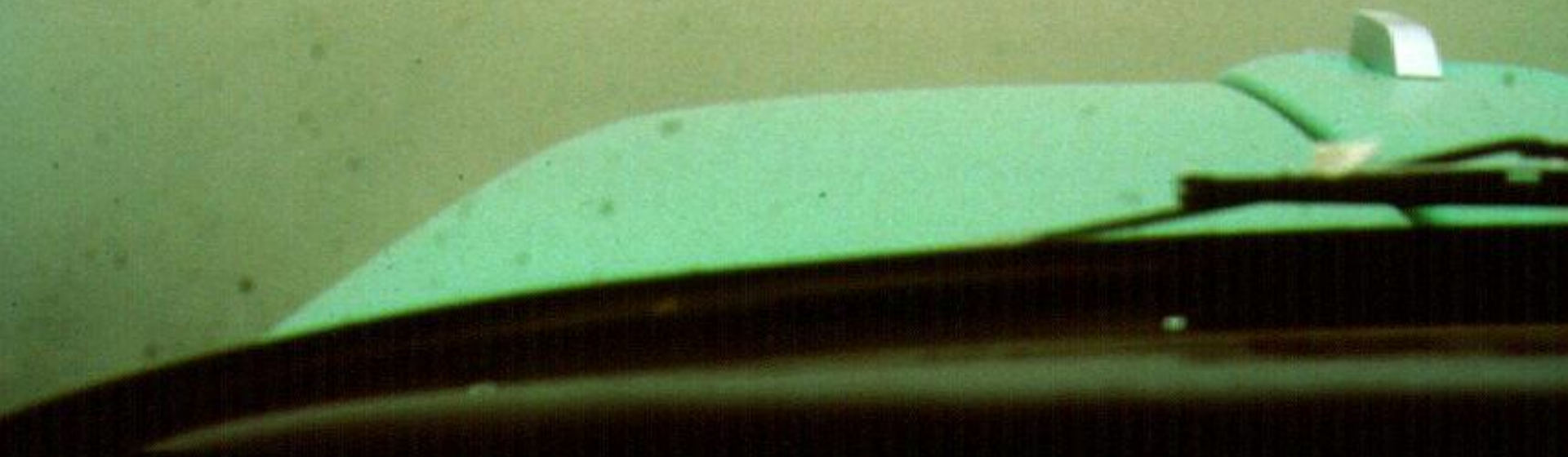


CAN WE MANAGE THE SMOKE ?





WHY SHOULD WE ?





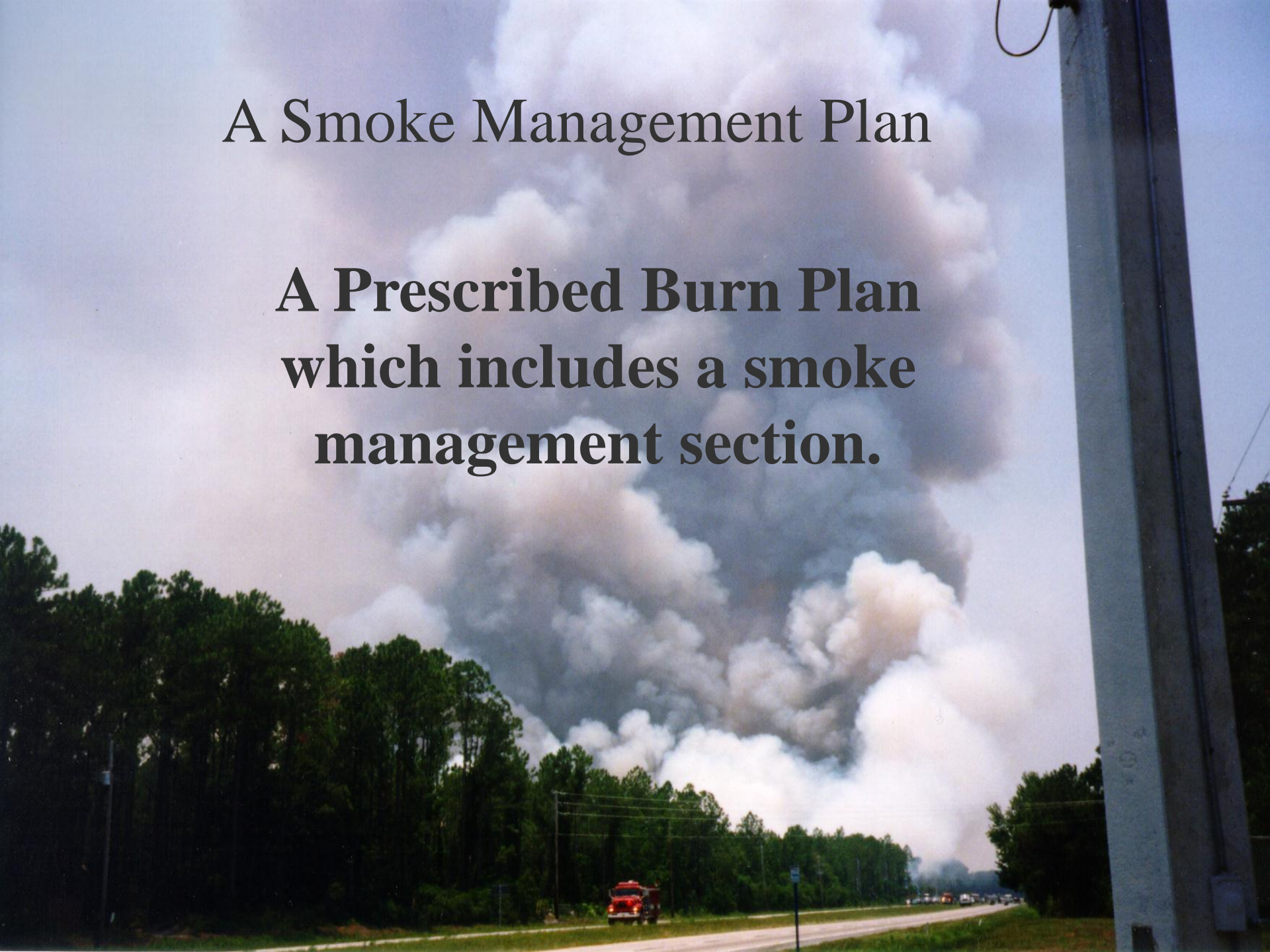
24 Vehicle pileup kills 3 and injuries 21





**A Smoke Management Plan**

**A Prescribed Burn Plan  
which includes a smoke  
management section.**





10.1-1150.6



Revocation of Certification

# NEGLIGENCE





# ORDINARY CARE



**Ordinarily prudent and competent Person**



# Minimize Liability Situations

- 1. Have all burning done by a certified burn manager.**
- 2. Comply with State Air Pollution Regulations.**
- 3. Keep knowledgeable on the law.**





**4. Remember the reasonable prudent standard.**

**5. Carry liability insurance.**

**6. Competent employees.**

**7. Do NOT make any voluntary statements or admissions.**

**Freedom of Information requests.**







**QUESTIONS?**



